

**State of Vermont**  
**Department of Public Service**  
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November 27, 2018

Ms. Judith Whitney, Clerk  
Vermont Public Utility Commission  
112 State Street, Floor 4  
Montpelier, Vermont 05620

Re: Department of Public Service's Response to Public Comment of Brian Winn

Dear Ms. Whitney:

The Department of Public Service firmly disagrees with any insinuation that ratepayer interests have not been vigorously pursued in the Green Mountain Power rate case proceeding or any other matter pending before the Public Utility Commission.

The principal governing statute for the Department's duties, 30 V.S.A. § 2(b), states: "[i]n cases requiring hearings by the Commission, the Department, through the Director for Public advocacy shall represent the interests of the people of the state, unless otherwise specified by law." The energy policy of the state, as set forth in 30 V.S.A. § 202a, requires a balancing of sometimes competing goals including: affordability, sustainability, and reliability. Each person will have a different perspective on how to best balance those interests; absent some unifying direction, the Department's review of petitions would be a cacophony of different perspectives, with one witness recommending denial of a petition and another recommending approval. It is the Department as a whole that represents the public interest, and the Commissioner of the Department is the one who is vested with the authority to make the final decision as to how to best represent the public interest in Public Utility Commission matters.

The Department's review and internal deliberations regarding the GMP rate case and the GMP "microgrid" cases referenced by Mr. Winn collectively involved four lawyers of record, seven internal Department staff members, and seven external consultants. As the evidentiary record in those cases reflect, with respect to the "microgrid" projects, the Department negotiated a settlement agreement with Green Mountain Power that largely mitigates the financial risk associated with those projects that could ultimately be borne by ratepayers.

Mr. Winn's public comment is a private statement from one former employee who did not always prevail during every internal debate that took place as the Department formulated its policy determinations and litigation strategy. Mr. Winn had a particular view as to how to best balance the statutory goals of Section 202a; however, other staff members involved in the Green Mountain Power rate case and the "microgrid" cases also had opinions and were welcome to



voice them. The staff members at the Department have significant regulatory experience and are not reluctant to offer their own opinions, and in many instances disagreed with the positions taken by Mr. Winn. Among expert staff it is always healthy to have robust debate and honest disagreement regarding how competing priorities should be balanced; where the dynamic goes awry is when one staff member believes that he or she is the only voice of reason and theirs is the only way to represent the public interest.

The Department believes that the Commission need take no further action on the anonymous letter or Mr. Winn's public comment. However, to the extent that the Commission decides it needs further information, the Department will make Mr. Edward McNamara, Director of Policy & Planning, available to testify.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James Porter', is written over a horizontal line.

James Porter, Esq. Director for Public Advocacy  
Daniel C. Burke, Esq. Special Counsel